

REMARKS

Claims 1-34 are pending in the application and stand rejected. Claims 1, 4, 11 and 25 are herein amended. No new matter is added. In light of the aforementioned amendments and accompanying remarks, applicants earnestly solicit favorable reconsideration.

Claim Rejections - 35 U.S.C. § 101

Claims 11 and 12 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Claims 11 and 12 are not directed toward an electromagnetic signal, but instead are Beauregard claims. That is, the claims are directed toward a computer readable recording medium recorded with a program. However, in an effort to expedite prosecution of the application, applicants have amended claim 11.

Applicants submit that claims 11 and 12 are in proper form and ask that the rejection under 35 U.S.C. § 101 be withdrawn.

Claim Rejections - 35 U.S.C. § 112

Claims 1, 4, 11 and 25 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The claims allegedly contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicants have amended the rejected claims to delete the phrase “automatically.” Applicants submit that these claims are in proper form and ask that the rejection under 35 U.S.C. § 112 be withdrawn.

On the Merits

Claim Rejections - 35 U.S.C. § 102(b)

Claims 1-34 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Nakata et al.* (US 2003/0091329).

Independent Claim 1:

Independent claim 1 requires:

A video playback unit comprising:

¹video playback means for reading in a designated video file and outputting a video of the video file for playback;

²scene description file read-in means for reading in a scene description file which describes a scene inside the video file;

³means for outputting a time information sequence existing before and after the current playback time of the video within time information described in the scene description file;

⁴means for outputting the still image sequence corresponding to the time information displayed, wherein the still image is described in the scene description file;

⁵means for renewing the display of the time information sequence and the still image sequence by synchronizing with the current playback time of the video while playing back the video; and

⁶display means for displaying said video, time information sequence and still image sequence.

Regarding element 4, as labeled above, the examiner contends it is disclosed in paragraph [0180] of *Nakata*. Here *Nakata* discloses a viewer window 92. Please see, for example, FIGS. 12 and 13. A still image is displayed in the viewer window in “in-point image displaying portion 110” and “out-point image displaying portion 112.”

Regarding element 5, as labeled above, the examiner contends this feature is disclosed in paragraph [0180]. For an example of the features claimed in element 5, please see FIGS. 3A, 3B and FIGS. 4A and 4B.

Paragraph [0180] of *Nakata* discusses viewer window 92. However, Applicants respectfully submit that the claimed features of element 5 are not disclosed. That is, claim 5 recites renewing the display of the time information sequence. The examiner appears to consider the time information sequence to be disclosed by reference characters 111, 113 and 114, an “in-point time code,” an “out-point time code,” and a “duration display column,” respectively.

Thus, in order for the rejection to be consistent, these respective time codes of *Nakata* would have to be renewed according to the current playback time of the video, while the video was playing. *Nakata* does appear to disclose playing a video in viewer 106, however *Nakata* does not appear to mention renewing the time codes of the in-point or out-point. Thus, *Nakata* does not disclose the claimed invention.

Further, claim 5 also recites that said still image sequence is synchronized with the current playback time of the video, while playing back the video. Recall from above that it appears the examiner is considering “in-point image displaying portion 110” and “out-point image displaying portion 112” to be the still image sequence. However, the still image sequence is not renewed.

That is, if the video in view 106 is being played, *Nakata* does not disclose or fairly suggest any still images being renewed. It appears that the still images could only be renewed if the user of the device in *Nakata* changed the in-point and out-point images. However, a person cannot disclose a machine in an apparatus claim.

As such, Applicants respectfully submit that the cited reference does not disclose the claimed invention and ask that the rejection be withdrawn.

Independent Claim 4:

Independent claim 4 recites:

means for delivering a video data related to the designated video file from a server at a constant transmission rate; and

means for delivering a scene description data which describes the scene of the video file from the server by synchronizing with the video data at a constant transmission rate.

The Examiner contends these features are disclosed by *Nakata* in paragraphs 251 and 264. Applicants respectfully traverse the Examiner's rejection. The second element of claim 10 requires delivering scene description data by *synchronizing* with the video data at a constant rate. Applicants respectfully submit that this feature is not disclosed or fairly suggested by the *Nakata* reference.

Paragraph 251 of *Nakata* appears to describe how a video signal is input to the "matrix switcher portion 3B of the editing processing unit 3." Nowhere does *Nakata* make reference to any scene description data as required by claim 4.¹

Paragraph 264 appears to describe how the "CPU 21 searches a video material recorded in the selected source file." Nowhere does *Nakata* make reference to any scene description data as required by claim 4.

¹ In order to reject independent claim 1, it appears the examiner considered "scene description data" to be disclosed by reference character 107, as shown in FIG. 13. Reference numeral 107 is a "material name column," used to display the name of the video. Thus, the rejection is inconsistent as the examiner has not used the same disclosure to reject an identical feature of the claimed invention.

In fact, claim 4 of the present application appears to be directed toward a different invention than anything disclosed in the *Nakata* reference. Claim 4 requires a “video delivery unit” which delivers video data **and** scene description data. *Nakata* on the other hand, does not disclose or suggest delivering “scene description data.”

Furthermore, claim 4 recites that the scene description data synchronizes with the video data at a constant transmission rate. Thus, the scene description data is updated, or synchronized, with a video that is playing. *Nakata* does not disclose any synchronizing or updating of scene description data with a video.

Nakata teaches about the daily server supplies video data and audio data contained in the selected file in [0251] and that video data is displayed at the speed, such as a fast forward, that is set by the editing operator. However, *Nakata* does not teach about delivering a video data from a server at a constant transmission rate and delivering a scene description data by synchronizing with the video data at a constant transmission rate in claim 4 of the present invention.

As *Nakata* is directed toward an editing system for broadcast stations, there does not appear to be any need to deliver “scene description data” because once the program is edited, just video data will be output.

As such, Applicants respectfully submit that the cited reference does not disclose the claimed invention and ask that the rejection be withdrawn.

Independent Claim 11:

As independent claim 11 contains similar features to independent claim 1, the arguments and rationale presented above regarding claim 1 also applies to claim 11.

Independent Claim 13:

Independent claim 13 recites:

A video playback unit of a plurality of videos comprising:

¹video description file processing means for reading in a video description file of a designated video group;

²main video playback means for playing back a plurality of frames of a first main video file designated by the video information described in the video description file;

³proxy video playback means for playing back a plurality of frames of a second proxy video file designated by the video information described in said video description file; and

⁴display means for displaying the first main video including a plurality of frames and the second proxy video including a plurality of frames played back by said main video playback means and proxy video playback means;

⁵wherein said proxy video file is small in a file size or a coded bit rate in contrast to said main video file.

Regarding each element of independent claim 13, the Examiner contends that it is disclosed by *Nakata* in paragraph [0184]. Applicants respectfully disagree with the Examiner's rejection. In paragraph [0184], *Nakata* discusses the "jog shuttle" operation of the device.

Regarding the first element (1) of claim 13, neither this paragraph, nor another paragraph in *Nakata* discloses the means for reading in a video description file *of a designated group*, as required in claim 13. Here *Nakata* appears to disclose the operation of the jog shuttle, which appears to be an editing tool that allows the editor to change the speed of the video. No mention is made of a description file of a *designated video group*, or the means to read in the file name thereof, as recited in element (1) above.

Regarding the second element (2) of claim 13, a video playback means for playing back a video designated by the information described in the video description file, Applicants respectfully submit that *Nakata* does not disclose this feature. Paragraph [0184] does mention a reproduction button of the jog shuttle portion, however, no mention is made of playing back the video by *designating information from the video description file*. Emphasis added.

As the video description file of element (1) does not appear to be disclosed, neither does the main video playback means designated by the video description file, appear to be disclosed.

The third element (3) recites a proxy video playback means for playing back a second video. The examiner contends this feature is disclosed in paragraphs [0184] and [0185]. Again, as mentioned above, no mention is made of playing back a video by *designating information from the video description file*. Thus even more so, no mention is made of playing back a *second* video by designating information from the video description file.

Further, *Nakata* does not disclose a *second* video playback means, as recited in claim 13. As shown for example in FIG. 13 of *Nakata*, only viewer 106 appears to play a video.

The fifth element (5) of claim 13 recites that the proxy video file is small in size or a coded bit rate in contrast to the main video file. Applicants respectfully submit that *Nakata* does not disclose any sort of proxy video, including one that is smaller in size. As such, Applicants respectfully traverse the Examiner's rejection. This feature does not appear to be disclosed or fairly suggested by *Nakata*.

Applicants respectfully submit that the claimed invention is not disclosed or fairly suggested by the cited reference and ask that the rejection be withdrawn.

Independent Claim 16:

In rejecting claim 16, the Examiner has specifically relied upon paragraphs 172 and 176 of *Nakata*.

The second element of claim 16 requires a **proxy** video playback means for playing back the **proxy** video files designated by the information described in the video description file. Paragraph 176 of *Nakata* appears to disclose how an editor would select videos from the log window and place them in the program window in the order they are to be played. Each of the videos in the log window may have a title which describes the video.

An example of a proxy video is shown in figures 14A and 14B of the present application, reference character 2. As shown in the figures, a proxy video is a minor (i.e. not the main) video.

Nakata does not disclose or fairly suggest any feature relating to playback of two videos, a main video and a proxy video. Therefore, the “proxy” playback means also is not disclosed by the *Nakata* reference.

The third element of claim 16 requires a means for selecting one video file from the displayed proxy video file. As indicated above, the *Nakata* reference does not disclose any sort of proxy video file.

The fourth element of claim 16 requires a means for changing the selected proxy video file to the playback display of the main video file. As indicated earlier, *Nakata* does not appear to disclose any “proxy” video capability. As such, *Nakata* cannot disclose switching the playback display of the proxy and main video files. As such, Applicants respectfully traverse the Examiner’s rejection.

Applicants respectfully submit that the claimed invention is not disclosed or fairly suggested by the cited reference and ask that the rejection be withdrawn.

Independent Claim 17:

Independent claim 17 recites some features similar to those of claims 13 and 16. Thus, the arguments presented above regarding these features also apply to claim 17.

Furthermore, as indicated above, *Nakata* does not appear to disclose any “proxy video” feature. As such, the proxy video playback means, means for selecting an arbitrary proxy video and means for switching the first main video and proxy video, does not appear to be disclosed or fairly suggested by *Nakata*.

As such, these features of the claimed invention should not be disclosed by the *Nakata* reference. Applicants respectfully submit that the claimed invention is not disclosed or fairly suggested by the cited reference and ask that the rejection be withdrawn.

Independent Claim 19:

As independent claim 19 contains many of the same features as those discussed in independent claims 13, 16 and 17, the same arguments as applied to those claims also apply to claim 19. Specifically, the “proxy video” feature of independent claim 19 is not disclosed in the *Nakata* reference.

Applicants respectfully submit that the claimed invention is not disclosed or fairly suggested by the cited reference and ask that the rejection be withdrawn.

Independent Claim 25:

Independent claim 25 contains some similar features as that contained in independent claim 4. As mentioned in claim 4, the present application appears directed toward a different invention than the *Nakata* reference. Claim 25 recites a “video delivery unit” which delivers the main video file and the proxy video file **and additionally** delivers a scene description file. *Nakata* on the other hand, does not disclose or suggest delivering “scene description data.” Furthermore, *Nakata* does not disclose the “proxy video” as the Examiner contends and discussed above.

The Examiner contends these features are disclosed in paragraphs [0224] and [0264]. It appears that paragraph [0224] is directed toward figure 18 and device icons. The appropriate icon will be indicated depending from what source the material is coming from; i.e. server, local storage, VTR, etc. With this disclosure, the Examiner contends that the first element of claim 25 is disclosed. However, the first element of claim 25 requires delivering a designated **video description file** from a server. Paragraph 224 simply appears to be disclosing materials and events edited from a source drive. Applicants respectfully submit that *Nakata* does not support

the Examiner's assertion that it delivers from a server a video description file, as required by claim 25.

As *Nakata* is directed toward an editing system for broadcast stations, there is not any need to deliver "scene description data" because once the program is edited, only video data appears to be the output. Applicants respectfully submit that the claimed invention is not disclosed or fairly suggested by the cited reference and ask that the rejection be withdrawn.

Independent Claim 33:

Independent claim 33 contains similar features to that discussed above with respect to independent claim 13. Specifically, claim 33 recites a video description file processing means and a proxy video playback means. As such, the arguments presented above regarding independent claim 13 also apply to independent claim 33.

Applicants respectfully submit that the claimed invention is not disclosed or fairly suggested by the cited reference and ask that the rejection be withdrawn.

Independent Claim 34:

Independent claim 34 contains similar features to that discussed above with respect to independent claim 13. As such, the arguments presented above regarding claim 13 also apply to claim 34.

Application No.: 10/082,268
Art Unit: 2621

Amendment under 37 C.F.R. §1.111
Attorney Docket No.: 020220

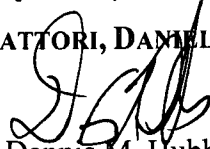
Applicants respectfully submit that the claimed invention is not disclosed or fairly suggested by the cited reference and ask that the rejection be withdrawn.

In view of the above, Applicants respectfully submit that their claimed invention is allowable and ask that the rejections be reconsidered and withdrawn. Applicants respectfully submit that this case is in condition for allowance and allowance is respectfully solicited.

If any points remain at issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local exchange number listed below.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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